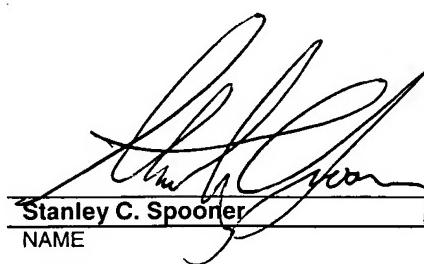


|   |   |   |                                      |
|---|---|---|--------------------------------------|
| FORM PT.O-1390<br>MODIFIED  | U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE |   | ATTORNEY'S DOCKET NUMBER<br>124-1144 |
| <b>TRANSMITTAL LETTER TO THE UNITED STATES<br/>DESIGNATED/ELECTED OFFICE (DO/EO/US)<br/>CONCERNING A FILING UNDER 35 U.S.C. 371</b>   |   | U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5)<br><b>10/565017</b><br>Unknown |                                      |
| INTERNATIONAL APPLICATION NO.<br>PCT/GB2004/003187  | INTERNATIONAL FILING DATE<br>23 July 2004               | PRIORITY DATE CLAIMED<br>26 July 2003   |                                      |
| TITLE OF INVENTION<br><b>VARIABLE OPTICAL ATTENUATOR</b>  |   |   |                                      |
| APPLICANT(S) FOR DO/EO/US<br><b>MCNIE ET AL.</b>  |   |   |                                      |
| Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:   |   |   |                                      |
| <p>1. <input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a submission under 35 U.S.C. 371.</p> <p>2. <input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a submission under 35 U.S.C. 371.</p> <p>3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</p> <p>4. <input type="checkbox"/> The U.S. has been elected (Article 31).</p> <p>5. A copy of the International Application as filed (35 U.S.C. 371(c)(2)).</p> <p>a. <input checked="" type="checkbox"/> WO 2005/012968 is attached hereto (27 pages specification, claims &amp; abstract (29 claims), 4 sheets drawings).</p> <p>b. <input checked="" type="checkbox"/> has been communicated by the International Bureau.</p> <p>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</p> <p>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(3))</p> <p>a. <input type="checkbox"/> is attached hereto (      pages specification, claims &amp; abstract (      claims),      sheets drawings,      page Certificate of Translation).</p> <p>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</p> <p>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))</p> <p>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</p> <p>b. <input type="checkbox"/> have been communicated by the International Bureau.</p> <p>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has <b>NOT</b> expired.</p> <p>d. <input type="checkbox"/> have not been made and will not be made.</p> <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. a. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>b. <input type="checkbox"/> Declaration was submitted to the International Bureau during International Phase (see copies of Declaration (      page Form PCT/RO/101 and Form PCT/IB/371 and first page of printed publication acknowledging receipt thereof attached).</p> <p>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p> |   |   |                                      |
| <p><b>Items 11 To 20 below concern document(s) or information included:</b></p> <p>11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98.</p> <p>12. <input checked="" type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 C.F.R. 3.28 and 3.31 is included.</p> <p>13. a. <input checked="" type="checkbox"/> A <b>FIRST</b> preliminary amendment.</p> <p>b. <input type="checkbox"/> A <b>SECOND</b> or <b>SUBSEQUENT</b> preliminary amendment.</p> <p>14. <input type="checkbox"/> An Application Data Sheet under 37 C.F.R. § 1.76.</p> <p>15. <input type="checkbox"/> A substitute specification.</p> <p>16. <input type="checkbox"/> A change of power of attorney and/or address letter.</p> <p>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821-1.825.</p> <p>18. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4).</p> <p>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</p> <p>20. <input checked="" type="checkbox"/> Other items or information. International Search Report; UK Search Report</p>   |   |   |                                      |

IAP15 Rec'd PCT/PTO 19 JAN 2006

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|--|--------------|---|------|--------------------------------------|-----------|
| U.S. APPLICATION NO. (if known, see 37 C.F.R. 1.5)<br>Unknown<br><b>104565017</b>  |              | INTERNATIONAL APPLICATION NO.<br>PCT/GB2004/003187                            |      | ATTORNEY'S DOCKET NUMBER<br>124-1144 |           |
| <input checked="" type="checkbox"/> The following fees are submitted:  |              |   |      |                                      |           |
| <b>BASIC NATIONAL FEE (37 C.F.R. 1.492(a)(1)-(5):</b>  |              |   |      |                                      |           |
| 21. <input checked="" type="checkbox"/> Basic national fee ..... \$300.00 (1631)/\$150.00 (2631) <span style="float: right;">\$ 300.00</span>  |              |   |      |                                      |           |
| 22. <input checked="" type="checkbox"/> Examination Fee ..... \$0 (1643/2643) <span style="float: right;">\$ 200.00</span><br>..... \$200.00 (1633)/\$100.00 (2633)  |              |   |      |                                      |           |
| 23. <input checked="" type="checkbox"/> Search Fee ..... \$0 (1640/2640) <span style="float: right;">\$ 400.00</span><br>..... \$100 (1641)/\$50 (2641)<br>..... \$400 (1642)/\$200 (2642)<br>..... \$500.00 (1632)/\$250.00 (2632) <span style="float: right;">\$ 900.00</span>   |              |   |      |                                      |           |
| <b>TOTAL OF ABOVE CALCULATIONS</b>   |              |   |      |                                      |           |
| <input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.   |              |   |      |                                      |           |
| Total Sheets   | Extra Sheets | Number of each additional 50 or fraction thereof (round up to a whole number) |      | RATE                                 |           |
| 31 -100  | 0            | /50 =   | 0.00 | \$0.00 (1681)<br>\$0.00 (2681)       | \$        |
| Surcharge of \$130.00 (1617)/\$65.00 (2617) for furnishing the oath or declaration later than <input type="checkbox"/> 30 months from the earliest claimed priority date (37 C.F.R. 1.492(e)).   |              |   |      |                                      |           |
| <b>CLAIMS</b> <b>NUMBER FILED</b> <b># EXTRA</b> <b>RATE</b>   |              |   |      |                                      |           |
| Total Claims   | 29           | minus 20 =  | 9 X  | \$50.00 (1615)/<br>\$25.00 (2615)    | \$ 450.00 |
| Independent Claims   | 1            | minus 3 =   | 0 X  | \$200.00 (1614)<br>\$100.00 (2614)   | \$        |
| <b>MULTIPLE DEPENDENT CLAIMS(S) (if applicable)</b> \$360.00 (1616)/\$180.00 (2616)      \$ 0.00   |              |   |      |                                      |           |
| Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s): One Month Extension \$120.00 (1251)/\$60.00 (2251); Two Month Extensions \$450.00 (1252)/\$225.00 (2252); Three Month Extensions \$1020.00 (1253)/\$510.00 (2253); Four Month Extensions \$1590.00 (1254)/\$795.00 (2254)      \$ 0.00  |              |   |      |                                      |           |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.  |              |   |      |                                      |           |
| Processing fee of \$130.00 (1618), for furnishing the English Translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 C.F.R. 1.492(f)). + 0.00   |              |   |      |                                      |           |
| <b>TOTAL NATIONAL FEE =</b> \$ 1350.00   |              |   |      |                                      |           |
| Fee for recording the enclosed assignment (37 C.F.R. 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 C.F.R. 3.28, 3.31). \$40.00 (8021) per property + \$ 40.00   |              |   |      |                                      |           |
| Fee for Petition to Revive Unintentionally Abandoned Application; \$1500.00 (1453) / \$750.00 (2453)      \$ 0.00  |              |   |      |                                      |           |
| <b>TOTAL FEES ENCLOSED =</b> \$ 1390.00  |              |   |      |                                      |           |
|  |              |   |      |                                      |           |
| Amount to be refunded: \$  |              |   |      |                                      |           |
|  |              |   |      |                                      |           |
| Amount to be Charged: \$   |              |   |      |                                      |           |
| <p>a. <input type="checkbox"/> A check in the amount of \$1390.00 to cover the above fees is enclosed.</p> <p>b. <input type="checkbox"/> Please charge my Deposit Account No. 14-1140 in the amount of \$_____ to cover the above fees.<br/>A duplicate copy of this form is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-1140. A <u>duplicate</u> copy of this form is enclosed.</p> <p>d. <input checked="" type="checkbox"/> <b>CREDIT CARD PAYMENT FORM ATTACHED.</b></p> <p>e. <input checked="" type="checkbox"/> The entire content of International Application No. PCT/GB2004/003187 and any U.S. and foreign application(s) corresponding thereto, and GB 0317522.1, referred to in this application is/are hereby incorporated by reference in this application.</p> |              |   |      |                                      |           |
| NOTE: Where an appropriate time limit under 37 C.F.R. 1.494 or 1.495 has not been met, a petition to revive (37 C.F.R. 1.137(a) or (b) must be filed and granted to restore the application to pending status.   |              |   |      |                                      |           |
| CORRESPONDENCE ADDRESS   |              |   |      |                                      |           |
| Direct all correspondence to:  |              |   |      |                                      |           |
| <input checked="" type="checkbox"/> Customer Number: <b>23117</b><br><span style="border: 1px solid black; padding: 2px;">Type Customer Number here</span>   |              |   |      |                                      |           |
| <br><b>Stanley C. Spooner</b><br>NAME  |              |   |      |                                      |           |
| <b>27,393</b> <b>January 19, 2006</b><br>REGISTRATION NUMBER      Date   |              |   |      |                                      |           |
| Telephone: (703) 816-4000<br>SCS:jsm   |              |   |      |                                      |           |